

REMARKS

Applicant traverses the restriction requirement on the grounds that the special technical features set forth in Claim 12, dependent on Claim 10 which depends from Claim 1 are not disclosed in Whitehead (U.S. Patent No. 5,168,183). Claim 10 recites that the “at least two magnets” recited in Claim 1 comprise “first and second magnets spaced apart from one another by a first distance, D1” while second and fourth magnets are spaced by D2. Claim 12 further defines the four magnets as having first magnetic poles that “**are substantially coplanar.**” As seen best in Figs. 5 and 6, Whitehead shows: (1) at least two magnets; and (2) the at least two magnets comprise first, second, third and fourth magnets 14, 16, 18, and 20. However, these four magnets are **not** in a substantially single plane. The magnets shown in the Whitehead ‘183 patent are elongated and located in two separate planes (the ends of the magnets 14, 16 overlap the ends of the magnets 18, 20). Claim 12 is therefore allowable.

Claim 12 reads on all of the embodiments in the application. This is apparent in Figs. 1, 1A, 3, 4, 7 and 8A-B where the four magnets are all shown in substantially the same plane. Fig. 1B shows a base 17 in which system 10 is housed. “System 10” is defined at page 6, lines 22-25 as comprising “a first pair of magnets 14 (individually 14A and 14B) spaced apart by a distance D1 and a second pair of magnets (individually 16A and 16B) spaced apart by distance D2 with $D2 > D1$.” At page 9, lines 18-19, it is stated that “magnets 14 and 16 may be mounted within a base 17 (see Figs. 1B, 5 and 6).” At page 18, lines 15-16, it is stated: “As shown in Figure 1B, system 10 may optionally include one or more secondary electromagnets 22’.” Therefore, it is clear that system 10 comprising magnets 14, 16 as illustrated in all of the other figures, are in the same plane.

Similarly, the system shown in Figs. 5 and 6 also includes a base 17 and as made clear on page 9, line 19, the base 17 includes the magnets 14 and 16 which are part of the system 10. Therefore Claim 12 covers the embodiments in Figs. 5 and 6 as well as Fig. 1B.

It is therefore respectfully submitted that at least Claim 12, which distinguishes the Whitehead '183 patent reads on all of the embodiments shown in this application and accordingly the restriction requirement should be withdrawn.

Dated this 18th day of April, 2007.

Respectfully submitted,

THE ADAMS LAW FIRM

By

A handwritten signature in black ink, appearing to read 'Paul Adams', is written over a horizontal dotted line.

Paul Adams, 91,026
901 Rio Grande Blvd., NW
Suite H262
Albuquerque, NM 87104
(505) 222-3145
(505) 222-3147 *facsimile*

Attorneys for Patentee/Owner